

AMENDED IN ASSEMBLY JUNE 12, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

**SENATE BILL**

**No. 834**

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**Introduced by Committee on Budget and Fiscal Review**

January 7, 2016

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~~An act relating to the Budget Act of 2016. An act to amend Section 1180.4 of the Health and Safety Code, to amend Section 10430 of the Public Contract Code, to amend Sections 4519.5, 4659.2, 4681.5, 4681.6, 4685.8, 4690.5, 4691.6, 4691.9, and 4870 of, to add Sections 4437, 4474.15, 4474.6, and 4572 to, and to repeal Section 4435.1 of, the Welfare and Institutions Code, and to amend Section 15 of Chapter 3 of the Statutes of 2016, Second Extraordinary Session, relating to developmental services, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 834, as amended, Committee on Budget and Fiscal Review.  
~~Budget Act of 2016. Developmental services.~~

*(1) Existing law vests in the State Department of Developmental Services jurisdiction over developmental centers for the provision of residential care to individuals with developmental disabilities, including the Sonoma Developmental Center, the Fairview Developmental Center, and the Porterville Developmental Center.*

*This bill would require the department to report quarterly to the Joint Legislative Budget Committee the estimated amount of General Fund expenditures used to backfill federal funding as a result of the decertification of intermediate care facility units at the Sonoma Developmental Center. The bill would also require, if the intermediate care facility units at the Fairview Developmental Center or the*

*Porterville Developmental Center are decertified by the federal government in the 2016–17 fiscal year, the department to report quarterly to the Joint Legislative Budget Committee the estimated amount of General Fund expenditures used to backfill federal funding as a result of the decertification or decertifications.*

*(2) Existing law requires the department to comply with procedural requirements when closing a developmental center, including submitting a detailed plan to the Legislature and holding at least one public hearing. Existing law requires the State Department of Developmental Services to submit, on or before October 1, 2015, a plan to the Legislature to close one or more developmental centers.*

*This bill would require the department to include an update to the Legislature in the 2017–18 May Revision regarding how the department will ensure access to crisis services after the closure of a developmental center and how the state will maintain its role in providing residential services to those whom private sector vendors cannot or will not serve. The bill would also require the department to post on its Internet Web site a monthly progress report regarding the development of residential capacity by each regional center, as specified.*

*(3) Existing law requires the State Department of Developmental Services to provide followup services to help ensure a smooth transition to the community when an individual transitions from a developmental center to a community living arrangement.*

*Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law authorizes the department to provide health care services to beneficiaries through various models of managed care, including through a comprehensive program of managed health care plan services for Medi-Cal recipients residing in clearly defined geographical areas.*

*This bill would require the State Department of Developmental Services and the State Department of Health Care Services to coordinate the transition of health care services for Medi-Cal eligible consumers who are transitioning from a developmental center into the community, as specified. The bill would require the State Department of Health Care Services to issue transition requirements for specified consumers. The bill would authorize the State Department of Health Care Services to implement those provisions by means of all-county letters, plan letters,*

*plan or provider bulletins, or similar instructions. The bill would provide that its provisions shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available.*

*(4) Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families.*

*Existing law also requires the department to implement an improved, unified quality assessment system, as specified. Existing law requires each regional center to, on or before August 1 of each year, submit to the department and the State Council on Developmental Disabilities a program budget plan for the subsequent budget year, as specified.*

*This bill would require the department to, on or before February 1 of each year, report to the Legislature and post on its Internet Web site specified supplemental budget information, including an estimate for the annual budget for each developmental center and the current fiscal year allocations of total and per capita funding for operations and purchase of services for each regional center. The bill would require the department to develop and implement a plan to monitor, evaluate, and improve the quality of community-based services through the use of a performance dashboard, to be published annually and include, among other things, recognized quality and access measures. The bill would require that, with the fiscal and research resources included as part of the Budget Act of 2016, the department annually assess specified data, including the performance dashboard data.*

*(5) Existing law requires the State Department of Developmental Services and regional centers to annually collaborate to compile specified data relating to purchase of service authorization, utilization, and expenditure by each regional center. Existing law requires each regional center to annually report to the department regarding its implementation of specified requirements and requires the report to include, among other things, whether the data indicates a need to reduce disparities in the purchase of services among consumers in the regional center's catchment area, and if so, the regional center's recommendations and plan to promote equity and reduce disparities in the purchase of services. Existing law requires the department to, subject to available funding, allocate funding to regional centers to assist with the implementation of those recommendations and plans.*

*This bill would require each regional center to consult with stakeholders regarding activities that may be effective in addressing disparities in the receipt of regional center services and the regional center's proposed requests for the above-mentioned funding and would also require each regional center to identify the stakeholders consulted with and to include information on how it incorporated stakeholder input into its requests. The bill would require the department to review requests for funding within 45 days from a specified deadline and would require each regional center to report to the department, as specified, how the funding allocations were used, among other things.*

*(6) Existing law requires regional center vendors that provide residential services or supported living services, long-term health care facilities, as defined, and acute psychiatric hospitals, as defined, to report each death or serious injury of a person occurring during, or related to, the use of seclusion, physical restraint, or chemical restraint, as specified.*

*This bill would additionally require regional center vendors that provide crisis services to make those reports. The bill would also require regional center vendors that provide crisis or residential services or supported living services, long-term health care facilities, and acute psychiatric hospitals, to report any unexpected or suspicious death, regardless of whether the cause is immediately known, any allegation of sexual assault, as defined, in which the alleged perpetrator is a staff member, service provider, or facility employee or contractor, and any report made to the local law enforcement agency in the jurisdiction in which the facility is located that involves physical abuse, as defined, in which a staff member, service provider, or facility employee or contractor is implicated. In addition, the bill would require those entities to report on a monthly basis, as specified, the number of incidents of seclusion and the duration of time spent per incident in seclusion, the number of incidents of the use of behavioral restraints and the duration of time spent per incident of restraint, and the number of times an involuntary emergency medication is used to control behavior.*

*(7) Existing law requires the State Department of Developmental Services, contingent upon approval of federal funding, to establish and implement a state Self-Determination Program, as defined, that would be available in every regional center catchment area to provide participants and their families, within an individual budget, increased flexibility and choice and greater control over decisions, resources, and needed and desired services and supports to implement their*

*individual program plan (IPP), in accordance with prescribed requirements. Existing law makes each regional center responsible for implementing the Self-Determination Program, as specified. Existing law also requires each regional center to contract with local consumer or family-run organizations to conduct outreach through local meetings and to collaborate with local consumer or family-run organizations to jointly conduct training about the Self-Determination Program. Existing law requires each regional center to establish a local volunteer advisory committee to provide oversight of the Self-Determination Program.*

*This bill would require each regional center to consult with the local volunteer advisory committee in conducting the above-described outreach and training and would authorize the advisory committee to designate members to represent the committee at the training.*

*(8) The Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide respite services and supported employment services. Existing law, effective June 9, 2016, and commencing July 1, 2016, requires the rate for family-member provided respite services authorized by the department and in operation on June 30, 2016, to be increased by 5%.*

*This bill would additionally require the rates for out-of-home respites services in effect on June 30, 2016, to be increased by 5%.*

*(9) Existing law requires the State Department of Developmental Services to establish guidelines and oversee a program, to the extent funds are appropriated in the annual Budget Act for this purpose, to increase paid internship opportunities for individuals with developmental disabilities, as specified, and to fund incentive payments for these internships on and after July 1, 2016. Existing law requires the program to be administered by community service providers, subject to specified criteria. On and after July 1, 2016, existing law also provides incentive payments for purposes of increasing employment placements by providers of supported employment services, as specified.*

*The bill would require the individual placed for employment to be employed for at least 30 days in order for a provider to receive the first incentive payment for an initial employment placement under these provisions. The bill would clarify that these payments are not available to providers that place individuals into internships, until the individual transitions into a competitive integrated employment placement. The bill would provide that these incentive payments apply to regional center service providers, rather than providers of supported employment*

services, and would prohibit payments made under the program from being in addition to specified placement payments for supported employment services. The bill would make other clarifying changes to these provisions with regard to payments, as specified.

(10) Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families. The act requires these services to be provided pursuant to the existing regional center system.

Existing law requires the State Department of Developmental Services to contract with an organization representing one or more family resource centers, as defined, to provide outreach, information, and referral services for at-risk babies who are not otherwise eligible for the early intervention services. Existing law also requires regional centers to refer at-risk babies to the family resource centers.

This bill would repeal the above requirement for the department to contract with an organization representing one or more family resource centers to provide outreach, information, and referral services for at-risk babies, and would repeal the requirement that regional centers refer at-risk babies to the family resource centers.

(11) Existing law requires the minimum wage for all industries, on and after January 1, 2016, to be not less than \$10 per hour. Existing law requires the minimum wage for all industries to be not less than specified amounts to be increased from January 1, 2017, to January 1, 2022, inclusive, for employers employing 26 or more employees and from January 1, 2018, to January 1, 2023, inclusive, for employers employing 25 or fewer employees, except as specified.

Existing law sets forth the State Department of Developmental Services's and the regional center's authority to establish provider rates. Existing law prohibits certain provider rate increases but, commencing July 1, 2014, authorizes increases to those rates as necessary to adjust employee wages to meet the state minimum wage law.

This bill would authorize adjustment of prescribed provider rates commencing January 1, 2017, if the adjustment is necessary in order to pay employees no less than the increased minimum wage, as described above.

*(12) Existing law prohibits a regional center from approving a service level for a residential service provider if the approval would result in an increase in the rate to be paid to the provider that is greater than the rate that is in effect on June 30, 2008, unless the regional center demonstrates to the State Department of Developmental Services that the approval is necessary to protect the consumer's health or safety and the department has granted prior written authorization.*

*This bill would additionally prohibit that approval if it would result in an increase in state costs. The bill would require the department to, effective July 1, 2016, establish a rate schedule for residential community care facilities vendored to provide services to a maximum of four persons with developmental disabilities. The bill would exempt from the prohibition described above only residential community care facilities vendored to provide services to a maximum of four persons with developmental disabilities if either the regional center demonstrates to the department that the approval is necessary to protect the consumer's health or safety and the department has granted prior written authorization or if the approved service level is not higher than the service level in effect at the time of implementation of the new rate schedule. The bill would require regional centers to submit a specified report to the department by February 1, 2017, regarding the number residential community care facilities with those rates.*

*(13) Under existing law, the State Department of Social Services regulates the licensure and operation of various care facilities, including community care facilities and enhanced behavioral supports homes. Existing law prohibits community care facilities, among other health and care facilities, from using physical restraint or containment as an extended procedure.*

*This bill would prohibit enhanced behavioral supports homes from using physical restraint or containment for more than 15 consecutive minutes, except as specified.*

*(14) Existing law provides that specified contracts entered into by any state agency for goods, services, or other specified activities, whether awarded through competitive bidding or not, are void unless and until approved by the Department of General Services, and requires denial of approval if the contract does not meet the required specifications of the bidding process. That law exempts certain transactions and contracts from that law, as specified.*

*This bill would make those laws inapplicable, subject to the approval of the Director of Developmental Services, to specified employees of*

*the department for the purpose of the employee becoming a vendor of a regional center for persons with developmental disabilities, as specified.*

*(15) Existing law appropriates \$287,000,000 to the State Department of Developmental Services to, commencing July 1, 2016, among other things, increase rates and wages for certain developmental services providers and fund incentive payments for competitive integrated employment opportunities and internships for individuals with developmental disabilities.*

*This bill would appropriate \$186,200,000 in reimbursements associated with the above-mentioned appropriated funds to the State Department of Developmental Services for the same specified purposes.*

*(16) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *Section 1180.4 of the Health and Safety Code is*  
2     *amended to read:*

3     1180.4. (a) A facility described in subdivision (a) of Section  
4     1180.2 or subdivision (a) of Section 1180.3 shall conduct an initial  
5     assessment of each person prior to a placement decision or upon  
6     admission to the facility, or as soon thereafter as possible. This  
7     assessment shall include input from the person and from someone  
8     whom he or she desires to be present, such as a family member,  
9     significant other, or authorized representative designated by the  
10    person, and if the desired third party can be present at the time of  
11    admission. This assessment shall also include, based on the  
12    information available at the time of initial assessment, all of the  
13    following:

14    (1) A person's advance directive regarding deescalation or the  
15    use of seclusion or behavioral restraints.

16    (2) Identification of early warning signs, triggers, and  
17    precipitants that cause a person to escalate, and identification of  
18    the earliest precipitant of aggression for persons with a known or



1 suspected history of aggressiveness, or persons who are currently  
2 aggressive.

3 (3) Techniques, methods, or tools that would help the person  
4 control his or her behavior.

5 (4) Preexisting medical conditions or any physical disabilities  
6 or limitations that would place the person at greater risk during  
7 restraint or seclusion.

8 (5) Any trauma history, including any history of sexual or  
9 physical abuse that the affected person feels is relevant.

10 (b) A facility described in subdivision (a) of Section 1180.2 or  
11 subdivision (a) of Section 1180.3 may use seclusion or behavioral  
12 restraints for behavioral emergencies only when a person's  
13 behavior presents an imminent danger of serious harm to self or  
14 others.

15 (c) A facility described in subdivision (a) of Section 1180.2 or  
16 subdivision (a) of Section 1180.3 ~~may~~ *shall* not use either of the  
17 following:

18 (1) A physical restraint or containment technique that obstructs  
19 a person's respiratory airway or impairs the person's breathing or  
20 respiratory capacity, including techniques in which a staff member  
21 places pressure on a person's back or places his or her body weight  
22 against the person's torso or back.

23 (2) A pillow, blanket, or other item covering the person's face  
24 as part of a physical or mechanical restraint or containment process.

25 (d) A facility described in subdivision (a) of Section 1180.2 or  
26 subdivision (a) of Section 1180.3 ~~may~~ *shall* not use physical or  
27 mechanical restraint or containment on a person who has a known  
28 medical or physical ~~condition~~, *condition* and ~~where~~ there is reason  
29 to believe that the use would endanger the person's life or seriously  
30 exacerbate the person's medical condition.

31 (e) (1) A facility described in subdivision (a) of Section 1180.2  
32 or subdivision (a) of Section 1180.3 ~~may~~ *shall* not use prone  
33 mechanical restraint on a person at risk for positional asphyxiation  
34 as a result of one of the following risk factors that are known to  
35 the provider:

36 (A) Obesity.

37 (B) Pregnancy.

38 (C) Agitated delirium or excited delirium syndromes.

39 (D) Cocaine, methamphetamine, or alcohol intoxication.

40 (E) Exposure to pepper spray.

1 (F) Preexisting heart disease, including, but not limited to, an  
2 enlarged heart or other cardiovascular disorders.

3 (G) Respiratory conditions, including emphysema, bronchitis,  
4 or asthma.

5 (2) Paragraph (1) shall not apply when written authorization  
6 has been provided by a physician, made to accommodate a person's  
7 stated preference for the prone position or because the physician  
8 judges other clinical risks to take precedence. The written  
9 authorization may not be a standing order, and shall be evaluated  
10 on a case-by-case basis by the physician.

11 (f) A facility described in subdivision (a) of Section 1180.2 or  
12 subdivision (a) of Section 1180.3 shall avoid the deliberate use of  
13 prone containment techniques whenever possible, utilizing the  
14 best practices in early intervention techniques, such as deescalation.  
15 If prone containment techniques are used in an emergency situation,  
16 a staff member shall observe the person for any signs of physical  
17 duress throughout the use of prone containment. Whenever  
18 possible, the staff member monitoring the person shall not be  
19 involved in restraining the person.

20 (g) A facility described in subdivision (a) of Section 1180.2 or  
21 subdivision (a) of Section 1180.3 ~~may~~ shall not place a person in  
22 a facedown position with the person's hands held or restrained  
23 behind the person's back.

24 (h) A facility described in subdivision (a) of Section 1180.2 or  
25 subdivision (a) of Section 1180.3 ~~may~~ shall not use physical  
26 restraint or containment as an extended procedure. *A facility*  
27 *described in subdivision (a) of Section 4684.80 of the Welfare and*  
28 *Institutions Code that is licensed by the State Department of Social*  
29 *Services shall not use physical restraint or containment for more*  
30 *than 15 consecutive minutes. The department may, by regulation,*  
31 *authorize an exception to the 15 minute maximum duration if*  
32 *necessary to protect the immediate health and safety of residents*  
33 *or others from risk of imminent serious physical harm.*

34 (i) A facility described in subdivision (a) of Section 1180.2 or  
35 subdivision (a) of Section 1180.3 shall keep under constant,  
36 face-to-face human observation a person who is in seclusion and  
37 in any type of behavioral restraint at the same time. Observation  
38 by means of video camera may be utilized only in facilities that  
39 are already permitted to use video monitoring under federal  
40 regulations specific to that facility.

1 (j) A facility described in subdivision (a) of Section 1180.2 or  
2 subdivision (a) of Section 1180.3 shall afford to persons who are  
3 restrained the least restrictive alternative and the maximum freedom  
4 of movement, while ensuring the physical safety of the person and  
5 others, and shall use the least number of restraint points.

6 (k) A person in a facility described in subdivision (a) of Section  
7 1180.2 and subdivision (a) of Section 1180.3 has the right to be  
8 free from the use of seclusion and behavioral restraints of any form  
9 imposed as a means of coercion, discipline, convenience, or  
10 retaliation by staff. This right includes, but is not limited to, the  
11 right to be free from the use of a drug used in order to control  
12 behavior or to restrict the person's freedom of movement, if that  
13 drug is not a standard treatment for the person's medical or  
14 psychiatric condition.

15 *SEC. 2. Section 10430 of the Public Contract Code is amended*  
16 *to read:*

17 10430. This chapter does not apply to any of the following:

18 (a) The Regents of the University of California and the Trustees  
19 of the California State University, except that Article 9  
20 (commencing with Section 10420) shall apply to the Trustees of  
21 the California State University.

22 (b) (1) Transactions covered under Chapter 3 (commencing  
23 with Section 12100), except that Sections 10365.5, 10410, and  
24 10411 shall apply to all transactions under that chapter.

25 (2) Notwithstanding paragraph (1), Section 10365.5 shall not  
26 apply to incidental advice or suggestions made outside of the scope  
27 of a consulting services contract.

28 (3) (A) Notwithstanding paragraph (1), Section 10365.5 shall  
29 not apply to a contract that is part of a single competitive  
30 procurement conducted in more than one stage for information  
31 technology goods or services, when the Director of the Department  
32 of General Services and the Chief Information Officer determine  
33 that there is no conflict of interest under Section 10365.5 and that  
34 it is in the best interest of the state to utilize this procurement  
35 method. Nothing in this section shall preclude the applicability of  
36 Section 12112 to this procurement method.

37 (B) The Department of General Services shall annually submit  
38 a report on its Internet Web site describing each determination  
39 granted pursuant to subparagraph (A), listing the basis for the  
40 determination, and disclosing the total amount of money paid or

1 to be paid to the contractor under the contract that was the subject  
2 of the determination. The department shall provide notice to the  
3 Joint Legislative Budget Committee within 30 days of the posting  
4 of the report.

5 (C) For purposes of this paragraph, “information technology”  
6 means information technology goods or services, or both, as  
7 appropriate.

8 (c) Except as otherwise provided in this chapter, any entity  
9 exempted from Section 10295. However, the Board of Governors  
10 of the California Community Colleges shall be governed by this  
11 chapter, except as provided in Sections 10295, 10335, and 10389.  
12 The Department of Water Resources shall be governed by this  
13 chapter, except as provided in Sections 10295.6, 10304.1, 10335,  
14 and 10340.

15 (d) Transactions covered under Chapter 10 (commencing with  
16 Section 4525) of Division 5 of Title 1 of the Government Code.

17 (e) Except as provided for in subdivision (c), members of boards  
18 or commissions who receive no payment other than payment for  
19 each meeting of the board or commission, payment for preparatory  
20 time, and payment for per diem.

21 (f) The emergency purchase of protective vests for correctional  
22 peace officers whose duties require routine contact with state prison  
23 inmates. This subdivision shall remain operative only until January  
24 1, 1987.

25 (g) Spouses of state officers or employees and individuals and  
26 entities that employ spouses of state officers and employees, that  
27 are vendored to provide services to regional center clients pursuant  
28 to Section 4648 of the Welfare and Institutions Code if the vendor  
29 of services, in that capacity, does not receive any material financial  
30 benefit, distinguishable from the benefit to the public generally,  
31 from any governmental decision made by the state officer or  
32 employee.

33 (h) *Subject to the approval of the Director of Developmental*  
34 *Services, or his or her designee, a state employee of the department*  
35 *who is qualified to provide necessary services for regional center*  
36 *consumers, for the purpose of that employee becoming a vendor*  
37 *of a regional center pursuant to Section 4648 of the Welfare and*  
38 *Institutions Code. The state employee shall terminate employment*  
39 *with any state agency or department before providing certification*  
40 *to the regional center pursuant to paragraph (9) of subdivision*

1 (a) of Section 54326 of Title 17 of the California Code of  
2 Regulations, as part of the vendorization process. A contract  
3 entered into by a regional center and a state employee, in his or  
4 her capacity as a private citizen, to become a vendor of the  
5 regional center does not constitute a state contract within the  
6 meaning of Section 1090 of the Government Code. Accordingly,  
7 the state employee has no financial interest in a state contract  
8 under these circumstances.

9 SEC. 3. Section 4435.1 of the Welfare and Institutions Code  
10 is repealed.

11 ~~4435.1. (a) Effective July 1, 2011, the department shall~~  
12 ~~establish a program for at-risk babies. For purposes of this section,~~  
13 ~~“at-risk baby” means a child under 36 months of age who is~~  
14 ~~otherwise not eligible for the California Early Intervention Program~~  
15 ~~pursuant to Title 14 (commencing with Section 95000) of the~~  
16 ~~Government Code or services provided under the Lanterman~~  
17 ~~Developmental Disabilities Services Act (Division 4.5~~  
18 ~~(commencing with Section 4500)) and whose genetic, medical,~~  
19 ~~developmental, or environmental history is predictive of a~~  
20 ~~substantially greater risk for developmental disability than that for~~  
21 ~~the general population, the presence of which is diagnosed by~~  
22 ~~qualified clinicians.~~

23 ~~(b) Effective July 1, 2011, when a regional center intake and~~  
24 ~~assessment determination is that a baby is an at-risk baby as defined~~  
25 ~~in subdivision (a), the regional center shall, with parental consent,~~  
26 ~~refer the baby and family to the family resource center set forth in~~  
27 ~~subdivision (c) for outreach, information, and referral services.~~

28 ~~(c) Effective July 1, 2011, the department shall contract with~~  
29 ~~an organization representing one or more family resource centers~~  
30 ~~which receive federal funds from Subchapter III of the Individuals~~  
31 ~~with Disabilities Education Act (20 U.S.C. Sec. 1431, et seq.) to~~  
32 ~~provide outreach, information, and referral services to generic~~  
33 ~~agencies for children under 36 months of age who are otherwise~~  
34 ~~not eligible for the California Early Intervention Program pursuant~~  
35 ~~to Title 14 (commencing with Section 95000) of the Government~~  
36 ~~Code or services provided under the Lanterman Developmental~~  
37 ~~Disabilities Services Act (Division 4.5 (commencing with Section~~  
38 ~~4500)). The organization with which the department contracts shall~~  
39 ~~be an organization that supports families of young children with~~  
40 ~~intellectual or developmental disabilities, and those at risk of~~

1 intellectual or developmental disabilities by ensuring the  
2 continuance, expansion, promotion, and quality of local family  
3 support services, including coordination, outreach, and referral.  
4 Any contracts entered into pursuant to this section shall be exempt  
5 from state contracting and procurement requirements set forth in  
6 the Government and Public Contract Codes and shall take effect  
7 immediately to protect the health and safety of the children  
8 receiving the services.

9 (d) The contract described in subdivision (c) shall do both of  
10 the following:

11 (1) Ensure the expeditious delivery of outreach, information,  
12 and referral services to at-risk babies.

13 (2) Require the organization to establish a process with the  
14 applicable regional center or centers for referral of the at-risk baby  
15 to the regional center when the family resource center suspects  
16 that the child may be eligible for services pursuant to the California  
17 Early Intervention Program or the Lanterman Developmental  
18 Disabilities Services Act.

19 SEC. 4. Section 4437 is added to the Welfare and Institutions  
20 Code, to read:

21 4437. (a) The State Department of Developmental Services  
22 shall, on or before February 1 of each year, report to the  
23 Legislature and post on its Internet Web site supplemental budget  
24 information, which shall include both of the following:

25 (1) For each developmental center, an estimate for the annual  
26 budget, including a breakdown of the staffing costs for Porterville  
27 Developmental Center's general treatment area and secured  
28 treatment area.

29 (2) For each regional center, all of the following information:

30 (A) Current fiscal year allocations of total and per capita  
31 funding for operations and purchase of services.

32 (B) The number of persons with developmental disabilities being  
33 served by the regional center in the current fiscal year.

34 (C) The past fiscal year and current fiscal year information on  
35 the funding for its community placement plan, including a  
36 breakdown of the funding for startup, assessment, placement, and  
37 deflection.

38 (D) Staff information.

1     (b) A report to be submitted pursuant to subdivision (a) shall  
2     be submitted in compliance with Section 9795 of the Government  
3     Code.

4     SEC. 5. Section 4474.15 is added to the Welfare and Institutions  
5     Code, immediately following Section 4474.11, to read:

6     4474.15. (a) The State Department of Developmental Services  
7     shall include an update to the Legislature in the 2017–18 May  
8     Revision regarding how the department will provide access to  
9     crisis services after the closure of a developmental center and how  
10    the state will maintain its role in providing residential services to  
11    those whom private sector vendors cannot or will not serve. As  
12    part of this plan, the department shall assess the option of  
13    expanding the community state staff program authorized in Section  
14    4474.2 to allow the department's employees to serve as regional  
15    crisis management teams that provide assessment, consultation,  
16    and resolution for persons with developmental disabilities in crisis  
17    in the community.

18    (b) The State Department of Developmental Services shall post  
19    on its Internet Web site a monthly progress report regarding the  
20    development of residential capacity by each regional center. The  
21    report shall include information on monthly targets for individuals  
22    moving out of a developmental center based on transition activities  
23    and community resource development activities by each regional  
24    center. The report shall also provide an explanation of any targets  
25    that have not been met.

26    (c) (1) The requirement for submitting a report imposed under  
27    subdivision (a) is inoperative on January 1, 2020, pursuant to  
28    Section 10231.5 of the Government Code.

29    (2) A report to be submitted pursuant to subdivision (a) shall  
30    be submitted in compliance with Section 9795 of the Government  
31    Code.

32    SEC. 6. Section 4474.6 is added to the Welfare and Institutions  
33    Code, to read:

34    4474.6. (a) The State Department of Developmental Services  
35    and the State Department of Health Care Services shall coordinate  
36    the transition of health care services for Medi-Cal eligible  
37    consumers who are transitioning from a developmental center into  
38    the community.

39    (b) In order to meet the unique medical health needs of  
40    consumers who will be transitioning from a developmental center

1 into the community, whose individual program plans document  
2 the need for coordinated medical and specialty care, and who are  
3 Medi-Cal eligible, the State Department of Health Care Services  
4 shall issue transition requirements including referral practices,  
5 service authorization practices, coordination of case management  
6 services, education and training services, and the management  
7 and sharing of medical records, to applicable Medi-Cal managed  
8 care health plans and monitor compliance. These transition  
9 requirements shall include, but are not limited to, processes for  
10 individuals assigned to a Medi-Cal managed care plan which  
11 promote coordination of care during and following the transition,  
12 identification of providers prior to a transition occurring, and the  
13 continuation of medically necessary covered services. These  
14 processes shall be described in a transition plan which will be  
15 shared with stakeholders prior to being finalized. The final  
16 transition plan shall be submitted to the Joint Legislative Budget  
17 Committee no later than December 31, 2016.

18 (c) Notwithstanding Chapter 3.5 (commencing with Section  
19 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
20 the State Department of Health Care Services may implement,  
21 interpret, or make specific this section, in whole or in part, by  
22 means of all-county letters, plan letters, plan or provider bulletins,  
23 policy letters, or other similar instructions, without taking  
24 regulatory action.

25 (d) The State Department of Health Care Services shall  
26 implement this section only to the extent that any necessary federal  
27 approvals are obtained and federal financial participation is  
28 available.

29 SEC. 7. Section 4519.5 of the Welfare and Institutions Code  
30 is amended to read:

31 4519.5. (a) The department and the regional centers shall  
32 annually collaborate to compile data in a uniform manner relating  
33 to purchase of service authorization, utilization, and expenditure  
34 by each regional center with respect to all of the following:

35 (1) The age of the consumer, categorized by the following:

36 (A) Birth to two years of age, inclusive.

37 (B) Three to 21 years of age, inclusive.

38 (C) Twenty-two years of age and older.

39 (2) Race or ethnicity of the consumer.



1 (3) Primary language spoken by the consumer, and other related  
2 details, as feasible.

3 (4) Disability detail, in accordance with the categories  
4 established by subdivision (a) of Section 4512, and, if applicable,  
5 a category specifying that the disability is unknown.

6 (5) Residence type, subcategorized by age, race or ethnicity,  
7 and primary language.

8 (6) Number of instances when the written copy of the individual  
9 program plan was provided at the request of the consumer and,  
10 when appropriate, his or her parents, legal guardian or conservator,  
11 or authorized representative, in a language other than a threshold  
12 language, as defined by paragraph (3) of subdivision (a) of Section  
13 1810.410 of Title 9 of the California Code of Regulations, if that  
14 written copy was provided more than 60 days after the request.

15 (b) The data reported pursuant to subdivision (a) shall also  
16 include the number and percentage of individuals, categorized by  
17 age, race or ethnicity, and disability, and by residence type, as set  
18 forth in paragraph (5) of subdivision (a), who have been determined  
19 to be eligible for regional center ~~services~~ *services*, but are not  
20 receiving purchase of service funds.

21 (c) By March 31, 2013, each regional center shall post the data  
22 described in this section that is specific to the regional center on  
23 its Internet Web site. Commencing on December 31, 2013, each  
24 regional center shall annually post this data by December 31. Each  
25 regional center shall maintain all previous years' data on its Internet  
26 Web site.

27 (d) By March 31, 2013, the department shall post the information  
28 described in this section on a statewide basis on its Internet Web  
29 site. Commencing December 31, 2013, the department shall  
30 annually post this information by December 31. The department  
31 shall maintain all previous years' data on its Internet Web site.  
32 The department shall also post notice of any regional center  
33 stakeholder meetings on its Internet Web site.

34 (e) Within three months of compiling the data with the  
35 department, and annually thereafter, each regional center shall  
36 meet with stakeholders in one or more public meetings regarding  
37 the data. The meeting or meetings shall be held separately from  
38 any meetings held pursuant to Section 4660. The regional center  
39 shall provide participants of these meetings with the data and any  
40 associated ~~information~~, *information related to improvements in*

1 *the provision of developmental services to underserved*  
2 *communities* and shall conduct a discussion of the data and the  
3 associated information in a manner that is culturally and  
4 linguistically appropriate for that community, including providing  
5 alternative communication services, as required by Sections 11135  
6 to 11139.7, inclusive, of the Government Code and implementing  
7 regulations. Regional centers shall inform the department of the  
8 scheduling of those public meetings 30 days prior to the meeting.  
9 Notice of the meetings shall also be posted on the regional center's  
10 Internet Web site 30 days prior to the meeting and shall be sent to  
11 individual stakeholders and groups representing underserved  
12 communities in a timely manner. Each regional center shall, in  
13 holding the meetings required by this subdivision, consider the  
14 language needs of the community and shall schedule the meetings  
15 at times and locations designed to result in a high turnout by the  
16 public and underserved communities.

17 (f) (1) Each regional center shall annually report to the  
18 department regarding its implementation of the requirements of  
19 this section. The report shall include, but shall not be limited to,  
20 all of the following:

21 (A) Actions the regional center took to improve public  
22 attendance and participation at stakeholder meetings, including,  
23 but not limited to, attendance and participation by underserved  
24 communities.

25 (B) Copies of minutes from the meeting and attendee comments.

26 (C) Whether the data described in this section indicates a need  
27 to reduce disparities in the purchase of services among consumers  
28 in the regional center's catchment area. If the data does indicate  
29 that need, the regional center's recommendations and plan to  
30 promote equity, and reduce disparities, in the purchase of services.

31 (2) Each regional center and the department shall annually post  
32 the reports required by paragraph (1) on its Internet Web site by  
33 August 31.

34 (g) (1) The department shall consult with stakeholders,  
35 including consumers and families that reflect the ethnic and  
36 language diversity of regional center consumers, regional centers,  
37 advocates, providers, the protection and advocacy agency described  
38 in Section 4901, and those entities designated as University Centers  
39 for Excellence in Developmental Disabilities Education, Research,

1 and Service pursuant to Section 15061 of Title 42 of the United  
2 States Code, to achieve the following objectives:

3 (A) Review the data compiled pursuant to subdivision (a).

4 (B) Identify barriers to equitable access to services and supports  
5 among consumers and develop recommendations to help reduce  
6 disparities in purchase of service expenditures.

7 (C) Encourage the development and expansion of culturally  
8 appropriate services, service delivery, and service coordination.

9 (D) Identify best practices to reduce disparity and promote  
10 equity.

11 (2) The department shall report the status of its efforts to satisfy  
12 the requirements of paragraph (1) during the 2016–17 legislative  
13 budget subcommittee hearing process.

14 (h) (1) Subject to available funding, the department shall  
15 allocate funding to regional centers to assist with implementation  
16 of the recommendations and plans developed pursuant to  
17 subdivisions (f) and (g). Activities funded through these allocations  
18 may include, but are not limited to, pay differentials supporting  
19 direct care bilingual staff of community-based service providers,  
20 parent or caregiver education programs, cultural competency  
21 training for regional center staff, outreach to underserved  
22 populations, or additional culturally appropriate service types or  
23 service delivery models.

24 (2) *Each regional center shall consult with stakeholders*  
25 *regarding activities that may be effective in addressing disparities*  
26 *in the receipt of regional center services and the regional center's*  
27 *proposed requests for the funding specified in paragraph (1). Each*  
28 *regional center shall identify the stakeholders it consulted with*  
29 *and include information on how it incorporated the input of*  
30 *stakeholders into its requests.*

31 (3) *The department shall review requests for funding within 45*  
32 *days from the deadline specified in the department's guidance to*  
33 *regional centers.*

34 (4) *Each regional center shall report to the department in the*  
35 *annual report required by subdivision (f) how the funding*  
36 *allocations were used and shall include recommendations of*  
37 *priorities for activities that may be effective in addressing*  
38 *disparities, based on the consultation with stakeholders.*

39 SEC. 8. *Section 4572 is added to the Welfare and Institutions*  
40 *Code, to read:*

1     4572. *The State Department of Developmental Services shall*  
2 *develop and implement a plan to monitor, evaluate, and improve*  
3 *the quality of community-based services through the use of a*  
4 *performance dashboard. The department shall work with*  
5 *stakeholders, including, but not limited to, regional centers,*  
6 *consumer advocates, providers, and the Legislature, on the*  
7 *development of the dashboard. The dashboard shall be published*  
8 *annually and shall include, but not be limited to, all of the following*  
9 *metrics:*

10     (a) *Recognized quality and access measures.*

11     (b) *Measures to indicate the movement toward compliance with*  
12 *the federal Home and Community-Based Services Waiver rules*  
13 *(CMS 2249-F and CMS 2296-F).*

14     (c) *Measures to evaluate the changes in the number of*  
15 *consumers who work in competitive integrated employment.*

16     (d) *The number of complaints referred to the department*  
17 *pursuant to subdivision (c) of Section 4731, for every 1,000*  
18 *consumers served, by each regional center.*

19     (e) *The number of administrative fair hearings held pursuant*  
20 *to Article 3 (commencing with Section 4710) of Chapter 7,*  
21 *separated by eligibility and service issues, for individuals ages*  
22 *three and over, for every one thousand consumers served, by each*  
23 *regional center.*

24     SEC. 9. *Section 4659.2 of the Welfare and Institutions Code*  
25 *is amended to read:*

26     4659.2. (a) For the purposes of this section, the following  
27 definitions apply:

28     (1) “Physical restraint” means any behavioral or mechanical  
29 restraint, as defined in Section 1180.1 of the Health and Safety  
30 Code.

31     (2) “Chemical restraint” means a drug that is used to control  
32 behavior and that is used in a manner not required to treat the  
33 patient’s medical conditions.

34     (3) “Seclusion” means involuntary confinement of a person  
35 alone in a room or an area as defined in subdivision (e) of Section  
36 1180.1 of the Health and Safety Code.

37     (4) “Long-term health care facility” means a facility, as defined  
38 in Section 1418 of the Health and Safety Code, that is required to  
39 report to a regional center pursuant to Section 54327 of Title 17  
40 of the California Code of Regulations.

1 (5) “Acute psychiatric hospital” means a facility, as defined in  
2 subdivision (b) of Section 1250 of the Health and Safety Code,  
3 including an institution for mental disease, that is a regional center  
4 vendor.

5 (6) “Regional center vendor” means an agency, individual, or  
6 service provider that a regional center has approved to provide  
7 vendored or contracted services or supports pursuant to paragraph  
8 (3) of subdivision (a) of Section 4648.

9 (b) (1) All regional center vendors that provide *crisis or*  
10 *residential services or supported living services, long-term health*  
11 *care facilities, and acute psychiatric hospitals shall report each to*  
12 *the agency designated pursuant to subdivision (i) of Section 4900*  
13 *all of the following:*

14 (A) *Each death or serious injury of a person occurring during,*  
15 *or related to, the use of seclusion, physical restraint, or chemical*  
16 *restraint, or any combination thereof, to the agency designated*  
17 *pursuant to subdivision (i) of Section 4900 no thereof.*

18 (B) *Any unexpected or suspicious death, regardless of whether*  
19 *the cause is immediately known.*

20 (C) *Any allegation of sexual assault, as defined in Section*  
21 *15610.63, in which the alleged perpetrator is a staff member,*  
22 *service provider, or facility employee or contractor.*

23 (D) *Any report made to the local law enforcement agency in*  
24 *the jurisdiction in which the facility is located that involves physical*  
25 *abuse, as defined in Section 15610.63, in which a staff member,*  
26 *service provider, or facility employee or contractor is implicated.*

27 (2) *The reports described in paragraph (1) shall be made no*  
28 *later than the close of the business day following the death or*  
29 *serious injury. The report shall include the encrypted identifier of*  
30 *the person involved, and the name, street address, and telephone*  
31 *number of the facility.*

32 (c) (1) *On a monthly basis all regional center vendors that*  
33 *provide crisis or residential services or supported living services,*  
34 *long-term health care facilities, and acute psychiatric hospitals*  
35 *shall report to the agency designated pursuant to subdivision (i)*  
36 *of Section 4900 all of the following:*

37 (A) *The number of incidents of seclusion and the duration of*  
38 *time spent per incident in seclusion.*

39 (B) *The number of incidents of the use of behavioral restraints*  
40 *and the duration of time spent per incident of restraint.*

1 (C) *The number of times an involuntary emergency medication*  
2 *is used to control behavior.*

3 (2) *The reports required pursuant to paragraph (1) shall include*  
4 *the name, street address, and telephone number of the facility.*

5 SEC. 10. *Section 4681.5 of the Welfare and Institutions Code*  
6 *is amended to read:*

7 4681.5. (a) *Notwithstanding any other ~~provision of law or~~*  
8 *regulation, ~~no~~ a regional center ~~may~~ shall not approve any a service*  
9 *level for a residential service provider, as defined in Section ~~56005~~*  
10 *56002 of Title 17 of the California Code of Regulations, if the*  
11 *approval would result in an increase in state costs or the rate to be*  
12 *paid to the provider that is greater than the rate that is in effect on*  
13 *June 30, 2008, or, for residential service providers subject to*  
14 *subdivision (b), unless the regional center demonstrates to the*  
15 *department that the approval is necessary to protect the consumer's*  
16 *health or safety and the department has granted prior written*  
17 *authorization.*

18 (b) *Notwithstanding subdivision (a) or any other law or*  
19 *regulation, the department shall, effective July 1, 2016, establish*  
20 *a rate schedule for residential community care facilities vendored*  
21 *to provide services to a maximum of four persons with*  
22 *developmental disabilities.*

23 (c) *Community care facilities with rates established pursuant*  
24 *to subdivision (b) are subject to the regulatory requirements*  
25 *contained in Subchapter 4 (commencing with Section 56001) of*  
26 *Chapter 3 of Division 2 of Title 17 of the California Code of*  
27 *Regulations.*

28 (d) *Rate changes made as a result of implementing the rate*  
29 *schedule established pursuant to subdivision (b) for community*  
30 *care facilities vendored to provide services to a maximum of four*  
31 *persons with developmental disabilities are not subject to the*  
32 *restrictions of subdivision (a) if the approved service level is not*  
33 *higher than the service level in effect at the time of the change.*

34 (e) *No later than February 1, 2017, regional centers shall report*  
35 *to the department on the number of residential community care*  
36 *facilities with rates established pursuant to subdivision (b). The*  
37 *report shall include, but not be limited to, both of the following:*

38 (1) *The number of facilities vendored since July 1, 2016, by*  
39 *service level and vendored capacity.*

1     (2) *The number of facilities vendored prior to July 1, 2016, that*  
2     *have subsequently been approved for a new rate, by service level,*  
3     *vendored capacity, and prior vendored capacity, if applicable.*

4     SEC. 11. *Section 4681.6 of the Welfare and Institutions Code*  
5     *is amended to read:*

6     4681.6. (a) Notwithstanding any other law or regulation,  
7     commencing July 1, 2008:

8     (1) A regional center shall not pay an existing residential service  
9     provider, for services where rates are determined through a  
10    negotiation between the regional center and the provider, a rate  
11    higher than the rate in effect on June 30, 2008, unless the increase  
12    is required by a contract between the regional center and the vendor  
13    that is in effect on June 30, 2008, or the regional center  
14    demonstrates that the approval is necessary to protect the  
15    consumer's health or safety and the department has granted prior  
16    written authorization.

17    (2) A regional center shall not negotiate a rate with a new  
18    residential service provider, for services where rates are determined  
19    through a negotiation between the regional center and the provider,  
20    that is higher than the regional center's median rate for the same  
21    service code and unit of service, or the statewide median rate for  
22    the same service code and unit of service, whichever is lower. The  
23    unit of service designation shall conform with an existing regional  
24    center designation or, if none exists, a designation used to calculate  
25    the statewide median rate for the same service. The regional center  
26    shall annually certify to the department its median rate for each  
27    negotiated rate service code, by designated unit of service. This  
28    certification shall be subject to verification through the  
29    department's biennial fiscal audit of the regional center.

30    (b) Notwithstanding subdivision (a), commencing ~~July~~ *January*  
31    ~~1, 2014,~~ *2017,* regional centers may negotiate a rate adjustment  
32    with residential service providers regarding rates that are otherwise  
33    restricted pursuant to subdivision (a), if the adjustment is necessary  
34    in order to pay employees no less than the minimum wage as  
35    established by Section 1182.12 of the Labor Code, as amended by  
36    Chapter ~~351~~ *4* of the Statutes of ~~2013,~~ *2016,* and only for the  
37    purpose of adjusting payroll costs associated with the minimum  
38    wage increase. The rate adjustment shall be specific to the unit of  
39    service designation that is affected by the increased minimum  
40    wage, shall be specific to payroll costs associated with any increase

1 necessary to adjust employee pay only to the extent necessary to  
2 bring pay into compliance with the increased state minimum wage,  
3 and shall not be used as a general wage enhancement for employees  
4 paid above the minimum wage. Regional centers shall maintain  
5 documentation on the process to determine, and the rationale for  
6 granting, any rate adjustment associated with the minimum wage  
7 increase.

8 (c) Notwithstanding subdivision (a), commencing July 1, 2015,  
9 regional centers may negotiate a rate adjustment with residential  
10 service providers regarding rates that are otherwise restricted  
11 pursuant to subdivision (a), if the adjustment is necessary to  
12 implement Article 1.5 (commencing with Section 245) of Chapter  
13 1 of Part 1 of Division 2 of the Labor Code, as added by Chapter  
14 317 of the Statutes of 2014. The rate adjustment may be applied  
15 only if a minimum of 24 hours or three days of paid sick leave per  
16 year was not a benefit provided to employees as of June 30, 2015,  
17 and shall be specific to payroll costs associated with any increase  
18 necessary to compensate an employee up to a maximum of 24  
19 hours or three days of paid sick leave in each year of employment.

20 (d) For purposes of this section, “residential service provider”  
21 includes Adult Residential Facilities for Persons with Special  
22 Health Care Needs, as described in Section 4684.50.

23 (e) This section shall not apply to those services for which rates  
24 are determined by the State Department of Health Care Services,  
25 or the State Department of Developmental Services, or are usual  
26 and customary.

27 *SEC. 12. Section 4685.8 of the Welfare and Institutions Code*  
28 *is amended to read:*

29 4685.8. (a) The department shall implement a statewide  
30 Self-Determination Program. The Self-Determination Program  
31 shall be available in every regional center catchment area to provide  
32 participants and their families, within an individual budget,  
33 increased flexibility and choice, and greater control over decisions,  
34 resources, and needed and desired services and supports to  
35 implement their IPP. The statewide Self-Determination Program  
36 shall be phased in over three years, and during this phase-in period,  
37 shall serve up to 2,500 regional center consumers, inclusive of the  
38 remaining participants in the self-determination pilot projects  
39 authorized pursuant to Section 13 of Chapter 1043 of the Statutes  
40 of 1998, as amended, and Article 4 (commencing with Section



1 4669.2) of Chapter 5. Following the phase-in period, the program  
2 shall be available on a voluntary basis to all regional center  
3 consumers, including residents in developmental centers who are  
4 moving to the community, who are eligible for the  
5 Self-Determination Program. The program shall be available to  
6 individuals who reflect the disability, ethnic, and geographic  
7 diversity of the state. The Department of Finance may approve,  
8 upon a request from the department and no sooner than 30 days  
9 following notification to the Joint Legislative Budget Committee,  
10 an increase to the number of consumers served by the  
11 Self-Determination Program before the end of the three-year  
12 phase-in period.

13 (b) The department, in establishing the statewide program, shall  
14 do both of the following:

15 (1) For the first three years of the Self-Determination Program,  
16 determine, as part of the contracting process described in Sections  
17 4620 and 4629, the number of participants each regional center  
18 shall serve in its Self-Determination Program. To ensure that the  
19 program is available on an equitable basis to participants in all  
20 regional center catchment areas, the number of Self-Determination  
21 Program participants in each regional center shall be based on the  
22 relative percentage of total consumers served by the regional  
23 centers minus any remaining participants in the self-determination  
24 pilot projects authorized pursuant to Section 13 of Chapter 1043  
25 of the Statutes of 1998, as amended, and Article 4 (commencing  
26 with Section 4669.2) of Chapter 5 or another equitable basis.

27 (2) Ensure all of the following:

28 (A) Oversight of expenditure of self-determined funds and the  
29 achievement of participant outcomes over time.

30 (B) Increased participant control over which services and  
31 supports best meet his or her needs and the IPP objectives. A  
32 participant's unique support system may include the purchase of  
33 existing service offerings from service providers or local  
34 businesses, hiring his or her own support workers, or negotiating  
35 unique service arrangements with local community resources.

36 (C) Comprehensive person-centered planning, including an  
37 individual budget and services that are outcome based.

38 (D) Consumer and family training to ensure understanding of  
39 the principles of self-determination, the planning process, and the  
40 management of budgets, services, and staff.

1 (E) Choice of independent facilitators who can assist with the  
2 person-centered planning process and choice of financial  
3 management services providers vendored by regional centers who  
4 can assist with payments and provide employee-related services.

5 (F) Innovation that will more effectively allow participants to  
6 achieve their goals.

7 (c) For purposes of this section, the following definitions apply:

8 (1) “Financial management services” means services or  
9 functions that assist the participant to manage and direct the  
10 distribution of funds contained in the individual budget, and ensure  
11 that the participant has the financial resources to implement his or  
12 her IPP throughout the year. These may include bill paying services  
13 and activities that facilitate the employment of service and support  
14 workers by the participant, including, but not limited to, fiscal  
15 accounting, tax withholding, compliance with relevant state and  
16 federal employment laws, assisting the participant in verifying  
17 provider qualifications, including criminal background checks,  
18 and expenditure reports. The financial management services  
19 provider shall meet the requirements of Sections 58884, 58886,  
20 and 58887 of Title 17 of the California Code of Regulations and  
21 other specific qualifications established by the department. The  
22 costs of financial management services shall be paid by the  
23 participant out of his or her individual budget, except for the cost  
24 of obtaining the criminal background check specified in subdivision  
25 (w).

26 (2) “Independent facilitator” means a person, selected and  
27 directed by the participant, who is not otherwise providing services  
28 to the participant pursuant to his or her IPP and is not employed  
29 by a person providing services to the participant. The independent  
30 facilitator may assist the participant in making informed decisions  
31 about the individual budget, and in locating, accessing, and  
32 coordinating services and supports consistent with the participant’s  
33 IPP. He or she is available to assist in identifying immediate and  
34 long-term needs, developing options to meet those needs, leading,  
35 participating, or advocating on behalf of the participant in the  
36 person-centered planning process and development of the IPP, and  
37 obtaining identified services and supports. The cost of the  
38 independent facilitator, if any, shall be paid by the participant out  
39 of his or her individual budget. An independent facilitator shall  
40 receive training in the principles of self-determination, the

1 person-centered planning process, and the other responsibilities  
2 described in this paragraph at his or her own cost.

3 (3) “Individual budget” means the amount of regional center  
4 purchase of service funding available to the participant for the  
5 purchase of services and supports necessary to implement the IPP.  
6 The individual budget shall be determined using a fair, equitable,  
7 and transparent methodology.

8 (4) “IPP” means individual program plan, as described in Section  
9 4646.

10 (5) “Participant” means an individual, and when appropriate,  
11 his or her parents, legal guardian or conservator, or authorized  
12 representative, who has been deemed eligible for, and has  
13 voluntarily agreed to participate in, the Self-Determination  
14 Program.

15 (6) “Self-determination” means a voluntary delivery system  
16 consisting of a defined and comprehensive mix of services and  
17 supports, selected and directed by a participant through  
18 person-centered planning, in order to meet the objectives in his or  
19 her IPP. Self-determination services and supports are designed to  
20 assist the participant to achieve personally defined outcomes in  
21 community settings that promote inclusion. The Self-Determination  
22 Program shall only fund services and supports provided pursuant  
23 to this division that the federal Centers for Medicare and Medicaid  
24 Services determines are eligible for federal financial participation.

25 (d) Participation in the Self-Determination Program is fully  
26 voluntary. A participant may choose to participate in, and may  
27 choose to leave, the Self-Determination Program at any time. A  
28 regional center shall not require or prohibit participation in the  
29 Self-Determination Program as a condition of eligibility for, or  
30 the delivery of, services and supports otherwise available under  
31 this division. Participation in the Self-Determination Program shall  
32 be available to any regional center consumer who meets the  
33 following eligibility requirements:

34 (1) The participant has a developmental disability, as defined  
35 in Section 4512, and is receiving services pursuant to this division.

36 (2) The consumer does not live in a licensed long-term health  
37 care facility, as defined in paragraph (44) of subdivision (a) of  
38 Section 54302 of Title 17 of the California Code of Regulations.  
39 An individual, and when appropriate his or her parent, legal  
40 guardian or conservator, or authorized representative, who is not

1 eligible to participate in the Self-Determination Program pursuant  
2 to this paragraph may request that the regional center provide  
3 person-centered planning services in order to make arrangements  
4 for transition to the Self-Determination Program, provided that he  
5 or she is reasonably expected to transition to the community within  
6 90 days. In that case, the regional center shall initiate  
7 person-centered planning services within 60 days of that request.

8 (3) The participant agrees to all of the following terms and  
9 conditions:

10 (A) The participant shall receive an orientation to the  
11 Self-Determination Program prior to enrollment, which includes  
12 the principles of self-determination, the role of the independent  
13 facilitator and the financial management services provider,  
14 person-centered planning, and development of a budget.

15 (B) The participant shall utilize the services and supports  
16 available within the Self-Determination Program only when generic  
17 services and supports are not available.

18 (C) The participant shall only purchase services and supports  
19 necessary to implement his or her IPP and shall comply with any  
20 and all other terms and conditions for participation in the  
21 Self-Determination Program described in this section.

22 (D) The participant shall manage Self-Determination Program  
23 services and supports within his or her individual budget.

24 (E) The participant shall utilize the services of a financial  
25 management services provider of his or her own choosing and who  
26 is vendored by a regional center.

27 (F) The participant may utilize the services of an independent  
28 facilitator of his or her own choosing for the purpose of providing  
29 services and functions as described in paragraph (2) of subdivision  
30 (c). If the participant elects not to use an independent facilitator,  
31 he or she may use his or her regional center service coordinator to  
32 provide the services and functions described in paragraph (2) of  
33 subdivision (c).

34 (e) A participant who is not Medi-Cal eligible may participate  
35 in the Self-Determination Program and receive self-determination  
36 services and supports if all other program eligibility requirements  
37 are met and the services and supports are otherwise eligible for  
38 federal financial participation.

39 (f) An individual receiving services and supports under a  
40 self-determination pilot project authorized pursuant to Section 13

1 of Chapter 1043 of the Statutes of 1998, as amended, or pursuant  
2 to Article 4 (commencing with Section 4669.2) of Chapter 5, may  
3 elect to continue to receive self-determination services and supports  
4 pursuant to this section or the regional center shall provide for the  
5 participant's transition from the self-determination pilot program  
6 to other services and supports. This transition shall include the  
7 development of a new IPP that reflects the services and supports  
8 necessary to meet the individual's needs. The regional center shall  
9 ensure that there is no gap in services and supports during the  
10 transition period.

11 (g) The additional federal financial participation funds generated  
12 by the former participants of the self-determination pilot projects  
13 authorized pursuant to Section 13 of Chapter 1043 of the Statutes  
14 of 1998, as amended, or pursuant to Article 4 (commencing with  
15 Section 4669.2) of Chapter 5, shall be used as follows:

16 (1) First, to offset the cost to the department for the criminal  
17 background check conducted pursuant to subdivision (w) and other  
18 administrative costs incurred by the department in implementing  
19 the Self-Determination Program.

20 (2) With the remaining funds, to offset the costs to the regional  
21 centers in implementing the Self-Determination Program,  
22 including, but not limited to, operations costs for caseload ratio  
23 enhancement, training for regional center staff, costs associated  
24 with the participant's initial person-centered planning meeting,  
25 the development of the participant's initial individual budget, and  
26 the costs associated with training consumers and family members.

27 (h) If at any time during participation in the Self-Determination  
28 Program a regional center determines that a participant is no longer  
29 eligible to continue in, or a participant voluntarily chooses to exit,  
30 the Self-Determination Program, the regional center shall provide  
31 for the participant's transition from the Self-Determination Program  
32 to other services and supports. This transition shall include the  
33 development of a new IPP that reflects the services and supports  
34 necessary to meet the individual's needs. The regional center shall  
35 ensure that there is no gap in services and supports during the  
36 transition period.

37 (i) An individual determined to be ineligible for or who  
38 voluntarily exits the Self-Determination Program shall be permitted  
39 to return to the Self-Determination Program upon meeting all  
40 applicable eligibility criteria and upon approval of the participant's

1 planning team, as described in subdivision (j) of Section 4512. An  
2 individual who has voluntarily exited the Self-Determination  
3 Program shall not return to the program for at least 12 months.  
4 During the first three years of the program, the individual's right  
5 to return to the program is conditioned on his or her regional center  
6 not having reached the participant cap imposed by paragraph (1)  
7 of subdivision (b).

8 (j) An individual who participates in the Self-Determination  
9 Program may elect to continue to receive self-determination  
10 services and supports if he or she transfers to another regional  
11 center catchment area, provided that he or she remains eligible for  
12 the Self-Determination Program pursuant to subdivision (d). The  
13 balance of the participant's individual budget shall be reallocated  
14 to the regional center to which he or she transfers.

15 (k) The IPP team shall utilize the person-centered planning  
16 process to develop the IPP for a participant. The IPP shall detail  
17 the goals and objectives of the participant that are to be met through  
18 the purchase of participant-selected services and supports. The  
19 IPP team shall determine the individual budget to ensure the budget  
20 assists the participant to achieve the outcomes set forth in his or  
21 her IPP and ensures his or her health and safety. The completed  
22 individual budget shall be attached to the IPP.

23 (l) The participant shall implement his or her IPP, including  
24 choosing and purchasing the services and supports allowable under  
25 this section necessary to implement the plan. A participant is  
26 exempt from the cost control restrictions regarding the purchases  
27 of services and supports pursuant to Sections 4648.5 and 4686.5.  
28 A regional center shall not prohibit the purchase of any service or  
29 support that is otherwise allowable under this section.

30 (m) A participant shall have all the rights established in Sections  
31 4646 to 4646.6, inclusive, and Chapter 7 (commencing with Section  
32 4700).

33 (n) (1) Except as provided in paragraph (4), the IPP team shall  
34 determine the initial and any revised individual budget for the  
35 participant using the following methodology:

36 (A) (i) Except as specified in clause (ii), for a participant who  
37 is a current consumer of the regional center, his or her individual  
38 budget shall be the total amount of the most recently available 12  
39 months of purchase of service expenditures for the participant.

1 (ii) An adjustment may be made to the amount specified in  
2 clause (i) if both of the following occur:

3 (I) The IPP team determines that an adjustment to this amount  
4 is necessary due to a change in the participant's circumstances,  
5 needs, or resources that would result in an increase or decrease in  
6 purchase of service expenditures, or the IPP team identifies prior  
7 needs or resources that were unaddressed in the IPP, which would  
8 have resulted in an increase or decrease in purchase of service  
9 expenditures.

10 (II) The regional center certifies on the individual budget  
11 document that regional center expenditures for the individual  
12 budget, including any adjustment, would have occurred regardless  
13 of the individual's participation in the Self-Determination Program.

14 (iii) For purposes of clauses (i) and (ii), the amount of the  
15 individual budget shall not be increased to cover the cost of the  
16 independent facilitator or the financial management services.

17 (B) For a participant who is either newly eligible for regional  
18 center services or who does not have 12 months of purchase service  
19 expenditures, his or her individual budget shall be calculated as  
20 follows:

21 (i) The IPP team shall identify the services and supports needed  
22 by the participant and available resources, as required by Section  
23 4646.

24 (ii) The regional center shall calculate the cost of providing the  
25 services and supports to be purchased by the regional center by  
26 using the average cost paid by the regional center for each service  
27 or support unless the regional center determines that the consumer  
28 has a unique need that requires a higher or lower cost. The regional  
29 center shall certify on the individual budget document that this  
30 amount would have been expended using regional center purchase  
31 of service funds regardless of the individual's participation in the  
32 Self-Determination Program.

33 (iii) For purposes of clauses (i) and (ii), the amount of the  
34 individual budget shall not be increased to cover the cost of the  
35 independent facilitator or the financial management services.

36 (2) The amount of the individual budget shall be available to  
37 the participant each year for the purchase of program services and  
38 supports. An individual budget shall be calculated no more than  
39 once in a 12-month period, unless revised to reflect a change in  
40 circumstances, needs, or resources of the participant using the

1 process specified in clause (ii) of subparagraph (A) of paragraph  
2 (1).

3 (3) The individual budget shall be assigned to uniform budget  
4 categories developed by the department in consultation with  
5 stakeholders and distributed according to the timing of the  
6 anticipated expenditures in the IPP and in a manner that ensures  
7 that the participant has the financial resources to implement his or  
8 her IPP throughout the year.

9 (4) The department, in consultation with stakeholders, may  
10 develop alternative methodologies for individual budgets that are  
11 computed in a fair, transparent, and equitable manner and are based  
12 on consumer characteristics and needs, and that include a method  
13 for adjusting individual budgets to address a participant's change  
14 in circumstances or needs.

15 (o) Annually, participants may transfer up to 10 percent of the  
16 funds originally distributed to any budget category set forth in  
17 paragraph (3) of subdivision (n) to another budget category or  
18 categories. Transfers in excess of 10 percent of the original amount  
19 allocated to any budget category may be made upon the approval  
20 of the regional center or the participant's IPP team.

21 (p) Consistent with the implementation date of the IPP, the IPP  
22 team shall annually ascertain from the participant whether there  
23 are any circumstances or needs that require a change to the annual  
24 individual budget. Based on that review, the IPP team shall  
25 calculate a new individual budget consistent with the methodology  
26 identified in subdivision (n).

27 (q) (1) On or before December 31, 2014, the department shall  
28 apply for federal Medicaid funding for the Self-Determination  
29 Program by doing one or more of the following:

30 (A) Applying for a state plan amendment.

31 (B) Applying for an amendment to a current home- and  
32 community-based waiver for individuals with developmental  
33 disabilities.

34 (C) Applying for a new waiver.

35 (D) Seeking to maximize federal financial participation through  
36 other means.

37 (2) To the extent feasible, the state plan amendment, waiver, or  
38 other federal request described in paragraph (1) shall incorporate  
39 the eligibility requirements, benefits, and operational requirements  
40 set forth in this section. Except for the provisions of subdivisions



1 (k), (m), (p), and this subdivision, the department may modify  
2 eligibility requirements, benefits, and operational requirements as  
3 needed to secure approval of federal funding.

4 (3) Contingent upon approval of federal funding, the  
5 Self-Determination Program shall be established.

6 (r) (1) The department, as it determines necessary, may adopt  
7 regulations to implement the procedures set forth in this section.  
8 Any regulations shall be adopted in accordance with the  
9 requirements of Chapter 3.5 (commencing with Section 11340) of  
10 Part 1 of Division 3 of Title 2 of the Government Code.

11 (2) Notwithstanding paragraph (1) and Chapter 3.5 (commencing  
12 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
13 Government Code, and only to the extent that all necessary federal  
14 approvals are obtained, the department, without taking any further  
15 regulatory action, shall implement, interpret, or make specific this  
16 section by means of program directives or similar instructions until  
17 the time regulations are adopted. It is the intent of the Legislature  
18 that the department be allowed this temporary authority as  
19 necessary to implement program changes only until completion  
20 of the regulatory process.

21 (s) The department, in consultation with stakeholders, shall  
22 develop informational materials about the Self-Determination  
23 Program. The department shall ensure that regional centers are  
24 trained in the principles of self-determination, the mechanics of  
25 the Self-Determination Program, and the rights of consumers and  
26 families as candidates for, and participants in, the  
27 Self-Determination Program.

28 (t) Each regional center shall be responsible for implementing  
29 the Self-Determination Program as a term of its contract under  
30 Section 4629. As part of implementing the program, the regional  
31 center shall do both of the following:

32 (1) Contract with local consumer or family-run organizations  
33 *and consult with the local volunteer advisory committee established*  
34 *pursuant to paragraph (1) of subdivision (x)* to conduct outreach  
35 through local meetings or forums to consumers and their families  
36 to provide information about the Self-Determination Program and  
37 to help ensure that the program is available to a diverse group of  
38 participants, with special outreach to underserved communities.

39 (2) Collaborate with the local consumer or family-run  
40 organizations identified in paragraph (1) to jointly conduct training

1 about the Self-Determination Program. *The regional center shall*  
2 *consult with the local volunteer advisory committee established*  
3 *pursuant to paragraph (1) of subdivision (x) in planning for the*  
4 *training, and the local volunteer advisory committee may designate*  
5 *members to represent the advisory committee at the training.*

6 (u) The financial management services provider shall provide  
7 the participant and the regional center service coordinator with a  
8 monthly individual budget statement that describes the amount of  
9 funds allocated by budget category, the amount spent in the  
10 previous 30-day period, and the amount of funding that remains  
11 available under the participant's individual budget.

12 (v) Only the financial management services provider is required  
13 to apply for vendorization in accordance with Subchapter 2  
14 (commencing with Section 54300) of Chapter 3 of Division 2 of  
15 Title 17 of the California Code of Regulations for the  
16 Self-Determination Program. All other service and support  
17 providers shall not be on the federal debarment list and shall have  
18 applicable state licenses, certifications, or other state required  
19 documentation, including documentation of any other qualifications  
20 required by the department, but are exempt from the vendorization  
21 requirements set forth in Title 17 of the California Code of  
22 Regulations when serving participants in the Self-Determination  
23 Program.

24 (w) To protect the health and safety of participants in the  
25 Self-Determination Program, the department shall require a  
26 criminal background check in accordance with all of the following:

27 (1) The department shall issue a program directive that identifies  
28 nonvended providers of services and supports who shall obtain  
29 a criminal background check pursuant to this subdivision. At a  
30 minimum, these staff shall include both of the following:

31 (A) Individuals who provide direct personal care services to a  
32 participant.

33 (B) Other nonvended providers of services and supports for  
34 whom a criminal background check is requested by a participant  
35 or the participant's financial management service.

36 (2) Subject to the procedures and requirements of this  
37 subdivision, the department shall administer criminal background  
38 checks consistent with the department's authority and the process  
39 described in Sections 4689.2 to 4689.6, inclusive.

1 (3) The department shall electronically submit to the Department  
2 of Justice fingerprint images and related information required by  
3 the Department of Justice of nonvendored providers of services  
4 and supports, as specified in paragraph (1), for purposes of  
5 obtaining information as to the existence and content of a record  
6 of state or federal convictions and state or federal arrests and also  
7 information as to the existence and content of a record of state or  
8 federal arrests for which the Department of Justice establishes that  
9 the person is free on bail or on his or her recognizance pending  
10 trial or appeal.

11 (4) When received, the Department of Justice shall forward to  
12 the Federal Bureau of Investigation requests for federal summary  
13 criminal history information received pursuant to this section. The  
14 Department of Justice shall review the information returned from  
15 the Federal Bureau of Investigation and compile and disseminate  
16 a response to the department.

17 (5) The Department of Justice shall provide a state or federal  
18 response to the department pursuant to paragraph (1) of subdivision  
19 (p) of Section 11105 of the Penal Code.

20 (6) The department shall request from the Department of Justice  
21 subsequent notification service, as provided pursuant to Section  
22 11105.2 of the Penal Code, for persons described in paragraph (1).

23 (7) The Department of Justice shall charge a fee sufficient to  
24 cover the cost of processing the request described in this  
25 subdivision.

26 (8) The fingerprints of any provider of services and supports  
27 who is required to obtain a criminal background check shall be  
28 submitted to the Department of Justice prior to employment. The  
29 costs of the fingerprints and the financial management service's  
30 administrative cost authorized by the department shall be paid by  
31 the services and supports provider or his or her employing agency.  
32 Any administrative costs incurred by the department pursuant to  
33 this subdivision shall be offset by the funds specified in subdivision  
34 (g).

35 (9) If the criminal record information report shows a criminal  
36 history, the department shall take the steps specified in Section  
37 4689.2. The department may prohibit a provider of services and  
38 supports from becoming employed, or continuing to be employed,  
39 based on the criminal background check, as authorized in Section

1 4689.6. The provider of services and supports who has been denied  
2 employment shall have the rights set forth in Section 4689.6.

3 (10) The department may utilize a current department-issued  
4 criminal record clearance to enable a provider to serve more than  
5 one participant, as long as the criminal record clearance has been  
6 processed through the department and no subsequent arrest  
7 notifications have been received relative to the cleared applicant.

8 (11) Consistent with subdivision (h) of Section 4689.2, the  
9 participant or financial management service that denies or  
10 terminates employment based on written notification from the  
11 department shall not incur civil liability or unemployment insurance  
12 liability.

13 (x) To ensure the effective implementation of the  
14 Self-Determination Program and facilitate the sharing of best  
15 practices and training materials commencing with the  
16 implementation of the Self-Determination Program, local and  
17 statewide advisory committees shall be established as follows:

18 (1) Each regional center shall establish a local volunteer advisory  
19 committee to provide oversight of the Self-Determination Program.  
20 The regional center and the State Council on Developmental  
21 Disabilities shall each appoint one-half of the membership of the  
22 committee. The committee shall consist of the regional center  
23 clients' rights advocate, consumers, family members, and other  
24 advocates, and community leaders. A majority of the committee  
25 shall be consumers and their family members. The committee shall  
26 reflect the multicultural diversity and geographic profile of the  
27 catchment area. The committee shall review the development and  
28 ongoing progress of the Self-Determination Program, including  
29 whether the program advances the principles of self-determination  
30 and is operating consistent with the requirements of this section,  
31 and may make ongoing recommendations for improvement to the  
32 regional center and the department.

33 (2) The State Council on Developmental Disabilities shall form  
34 a volunteer committee, to be known as the Statewide  
35 Self-Determination Advisory Committee, comprised of the chairs  
36 of the 21 local advisory committees or their designees. The council  
37 shall convene the Statewide Self-Determination Advisory  
38 Committee twice annually, or more frequently in the sole discretion  
39 of the council. The Statewide Self-Determination Advisory  
40 Committee shall meet by teleconference or other means established

1 by the council to identify self-determination best practices,  
2 effective consumer and family training materials, implementation  
3 concerns, systemic issues, ways to enhance the program, and  
4 recommendations regarding the most effective method for  
5 participants to learn of individuals who are available to provide  
6 services and supports. The council shall synthesize information  
7 received from the Statewide Self-Determination Advisory  
8 Committee, local advisory committees, and other sources, share  
9 the information with consumers, families, regional centers, and  
10 the department, and make recommendations, as appropriate, to  
11 increase the program's effectiveness in furthering the principles  
12 of self-determination.

13 (y) Commencing January 10, 2017, the department shall  
14 annually provide the following information to the appropriate  
15 policy and fiscal committees of the Legislature:

16 (1) Number and characteristics of participants, by regional  
17 center, including the number of participants who entered the  
18 program upon movement from a developmental center.

19 (2) Types and amount of services and supports purchased under  
20 the Self-Determination Program, by regional center.

21 (3) Range and average of individual budgets, by regional center,  
22 including adjustments to the budget to address the adjustments  
23 permitted in clause (ii) of subparagraph (A) of paragraph (1) of  
24 subdivision (n).

25 (4) The number and outcome of appeals concerning individual  
26 budgets, by regional center.

27 (5) The number and outcome of fair hearing appeals, by regional  
28 center.

29 (6) The number of participants who voluntarily withdraw from  
30 the Self-Determination Program and a summary of the reasons  
31 why, by regional center.

32 (7) The number of participants who are subsequently determined  
33 to no longer be eligible for the Self-Determination Program and a  
34 summary of the reasons why, by regional center.

35 (z) (1) The State Council on Developmental Disabilities, in  
36 collaboration with the protection and advocacy agency identified  
37 in Section 4900 and the federally funded University Centers for  
38 Excellence in Developmental Disabilities Education, Research,  
39 and Service, may work with regional centers to survey participants  
40 regarding participant satisfaction under the Self-Determination

1 Program and, when data is available, the traditional service delivery  
2 system, including the proportion of participants who report that  
3 their choices and decisions are respected and supported and who  
4 report that they are able to recruit and hire qualified service  
5 providers, and to identify barriers to participation and  
6 recommendations for improvement.

7 (2) The council, in collaboration with the protection and  
8 advocacy agency identified in Section 4900 and the federally  
9 funded University Centers for Excellence in Developmental  
10 Disabilities Education, Research, and Service, shall issue a report  
11 to the Legislature, in compliance with Section 9795 of the  
12 Government Code, no later than three years following the approval  
13 of the federal funding on the status of the Self-Determination  
14 Program authorized by this section, and provide recommendations  
15 to enhance the effectiveness of the program. This review shall  
16 include the program's effectiveness in furthering the principles of  
17 self-determination, including all of the following:

18 (A) Freedom, which includes the ability of adults with  
19 developmental disabilities to exercise the same rights as all citizens  
20 to establish, with freely chosen supporters, family and friends,  
21 where they want to live, with whom they want to live, how their  
22 time will be occupied, and who supports them; and for families to  
23 have the freedom to receive unbiased assistance of their own  
24 choosing when developing a plan and to select all personnel and  
25 supports to further the life goals of a minor child.

26 (B) Authority, which includes the ability of a person with a  
27 disability, or family, to control a certain sum of dollars in order to  
28 purchase services and supports of their choosing.

29 (C) Support, which includes the ability to arrange resources and  
30 personnel, both formal and informal, that will assist a person with  
31 a disability to live a life in his or her community that is rich in  
32 community participation and contributions.

33 (D) Responsibility, which includes the ability of participants to  
34 take responsibility for decisions in their own lives and to be  
35 accountable for the use of public dollars, and to accept a valued  
36 role in their community through, for example, competitive  
37 employment, organizational affiliations, spiritual development,  
38 and general caring of others in their community.

39 (E) Confirmation, which includes confirmation of the critical  
40 role of participants and their families in making decisions in their

1 own lives and designing and operating the system that they rely  
2 on.

3 *SEC. 13. Section 4690.5 of the Welfare and Institutions Code*  
4 *is amended to read:*

5 4690.5. Notwithstanding any other law or regulation,  
6 commencing July 1, 2016, and to the extent funds are appropriated  
7 in the annual Budget Act for this purpose, the rate for family  
8 member-provided respite services authorized by the department  
9 and in ~~operation~~ effect on June 30, 2016, and the rates for  
10 out-of-home respite services in effect on June 30, 2016, shall be  
11 increased by 5 percent. The increase shall be applied as a  
12 percentage, and the percentage shall be the same for all providers.

13 *SEC. 14. Section 4691.6 of the Welfare and Institutions Code*  
14 *is amended to read:*

15 4691.6. (a) Notwithstanding any other law or regulation,  
16 commencing July 1, 2006, the community-based day program,  
17 work activity program, and in-home respite service agency rate  
18 schedules authorized by the department and in operation June 30,  
19 2006, shall be increased by 3 percent, subject to funds specifically  
20 appropriated for this increase in the Budget Act of 2006. The  
21 increase shall be applied as a percentage, and the percentage shall  
22 be the same for all providers. Any subsequent increase shall be  
23 governed by subdivisions (b), (c), (d), (e), (f), (g), (h), (i), (j), (k),  
24 and (l), and Section 4691.9.

25 (b) Notwithstanding any other law or regulation, the department  
26 shall not establish any permanent payment rate for a  
27 community-based day program or in-home respite service agency  
28 provider that has a temporary payment rate in effect on June 30,  
29 2008, if the permanent payment rate would be greater than the  
30 temporary payment rate in effect on or after June 30, 2008, unless  
31 the regional center demonstrates to the department that the  
32 permanent payment rate is necessary to protect the consumers'  
33 health or safety.

34 (c) Notwithstanding any other law or regulation, neither the  
35 department nor any regional center shall approve any program  
36 design modification or revendorization for a community-based  
37 day program or in-home respite service agency provider that would  
38 result in an increase in the rate to be paid to the vendor from the  
39 rate that is in effect on or after June 30, 2008, unless the regional  
40 center demonstrates that the program design modification or

1 revendorization is necessary to protect the consumers' health or  
2 safety and the department has granted prior written authorization.

3 (d) Notwithstanding any other law or regulation, the department  
4 shall not approve an anticipated rate adjustment for a  
5 community-based day program or in-home respite service agency  
6 provider that would result in an increase in the rate to be paid to  
7 the vendor from the rate that is in effect on or after June 30, 2008,  
8 unless the regional center demonstrates that the anticipated rate  
9 adjustment is necessary to protect the consumers' health or safety.

10 (e) Notwithstanding any other law or regulation, except as set  
11 forth in subdivisions (f) and (i), the department shall not approve  
12 any rate adjustment for a work activity program that would result  
13 in an increase in the rate to be paid to the vendor from the rate that  
14 is in effect on or after June 30, 2008, unless the regional center  
15 demonstrates that the rate adjustment is necessary to protect the  
16 consumers' health and safety and the department has granted prior  
17 written authorization.

18 (f) Notwithstanding any other law or regulation, commencing  
19 ~~July 1, 2014,~~ *January 1, 2017*, the department may approve rate  
20 adjustments for a work activity program that demonstrates to the  
21 department that the rate adjustment is necessary in order to pay  
22 employees who, prior to ~~July 1, 2014,~~ *January 1, 2017*, were being  
23 compensated at a wage that is less than the minimum wage  
24 established on and after ~~July 1, 2014,~~ *January 1, 2017*, by Section  
25 1182.12 of the Labor Code, as amended by ~~Chapter 351 of the~~  
26 ~~Statutes of 2013.~~ *Chapter 4 of the Statutes of 2016.* The rate  
27 adjustment pursuant to this subdivision shall be specific to payroll  
28 costs associated with any increase necessary to adjust employee  
29 pay only to the extent necessary to bring pay into compliance with  
30 the increased state minimum wage, and shall not constitute a  
31 general wage enhancement for employees paid above the increased  
32 minimum wage.

33 (g) Notwithstanding any other law or regulation, commencing  
34 ~~July 1, 2014,~~ *January 1, 2017*, community-based day program and  
35 in-home respite services agency providers with temporary payment  
36 rates set by the department may seek unanticipated rate adjustments  
37 from the department due to the impacts of the increased minimum  
38 wage as established by Section 1182.12 of the Labor Code, as  
39 amended by ~~Chapter 351 of the Statutes of 2013.~~ *Chapter 4 of the*  
40 *Statutes of 2016.* The rate adjustment shall be specific to payroll



1 costs associated with any increase necessary to adjust employee  
2 pay only to the extent necessary to bring pay into compliance with  
3 the increased state minimum wage, and shall not constitute a  
4 general wage enhancement for employees paid above the increased  
5 minimum wage.

6 (h) Notwithstanding any other law or regulation, commencing  
7 January 1, 2015, the in-home respite service agency rate schedule  
8 authorized by the department and in operation December 31, 2014,  
9 shall be increased by 5.82 percent, subject to funds specifically  
10 appropriated for this increase for costs due to changes in federal  
11 regulations implementing the federal Fair Labor Standards Act of  
12 1938 (29 U.S.C. Sec. 201 et seq.). The increase shall be applied  
13 as a percentage, and the percentage shall be the same for all  
14 applicable providers.

15 (i) Notwithstanding any other law or regulation, commencing  
16 July 1, 2015, the department may approve rate adjustments for a  
17 work activity program that demonstrates to the department that  
18 the rate adjustment is necessary to implement Article 1.5  
19 (commencing with Section 245) of Chapter 1 of Part 1 of Division  
20 2 of the Labor Code, as added by Chapter 317 of the Statutes of  
21 2014. The rate adjustment may be applied only if a minimum of  
22 24 hours or three days of paid sick leave per year was not a benefit  
23 provided to employees as of June 30, 2015, and shall be specific  
24 to payroll costs associated with any increase necessary to  
25 compensate an employee up to a maximum of 24 hours or three  
26 days of paid sick leave in each year of employment.

27 (j) Notwithstanding any other law or regulation, commencing  
28 July 1, 2015, community-based day program and in-home respite  
29 services agency providers with temporary payment rates set by  
30 the department may seek unanticipated rate adjustments from the  
31 department if the adjustment is necessary to implement Article 1.5  
32 (commencing with Section 245) of Chapter 1 of Part 1 of Division  
33 2 of the Labor Code, as added by Chapter 317 of the Statutes of  
34 2014. The rate adjustment may be applied only if a minimum of  
35 24 hours or three days of paid sick leave per year was not a benefit  
36 provided to employees as of June 30, 2015, and shall be specific  
37 to payroll costs associated with any increase necessary to  
38 compensate an employee up to a maximum of 24 hours or three  
39 days of paid sick leave in each year of employment.

(k) Notwithstanding any other law or regulation, commencing July 1, 2016, and to the extent funds are appropriated in the annual Budget Act for this purpose, the in-home respite service agency rate schedule authorized by the department and in operation June 30, 2016, shall be increased by 5 percent. The increase shall be applied as a percentage, and the percentage shall be the same for all providers.

(l) Notwithstanding any other law or regulation, commencing July 1, 2016, and to the extent funds are appropriated in the annual Budget Act for this purpose, the independent living service rate schedule authorized by the department and in operation June 30, 2016, shall be increased by 5 percent. The increase shall be applied as a percentage, and the percentage shall be the same for all providers.

*SEC. 15. Section 4691.9 of the Welfare and Institutions Code is amended to read:*

4691.9. (a) Notwithstanding any other law or regulation, commencing July 1, 2008:

(1) A regional center shall not pay an existing service provider, for services where rates are determined through a negotiation between the regional center and the provider, a rate higher than the rate in effect on June 30, 2008, unless the increase is required by a contract between the regional center and the vendor that is in effect on June 30, 2008, or the regional center demonstrates that the approval is necessary to protect the consumer's health or safety and the department has granted prior written authorization.

(2) A regional center shall not negotiate a rate with a new service provider, for services where rates are determined through a negotiation between the regional center and the provider, that is higher than the regional center's median rate for the same service code and unit of service, or the statewide median rate for the same service code and unit of service, whichever is lower. The unit of service designation shall conform with an existing regional center designation or, if none exists, a designation used to calculate the statewide median rate for the same service. The regional center shall annually certify to the State Department of Developmental Services its median rate for each negotiated rate service code, by designated unit of service. This certification shall be subject to verification through the department's biennial fiscal audit of the regional center.

(b) Notwithstanding subdivision (a), commencing ~~July 1, 2014,~~  
*January 1, 2017*, regional centers may negotiate a rate adjustment with providers regarding rates if the adjustment is necessary in order to pay employees no less than the minimum wage as established by Section 1182.12 of the Labor Code, as amended by ~~Chapter 351 of the Statutes of 2013,~~ *Chapter 4 of the Statutes of 2016*, and only for the purpose of adjusting payroll costs associated with the minimum wage increase. The rate adjustment shall be specific to the unit of service designation that is affected by the increased minimum wage, shall be specific to payroll costs associated with any increase necessary to adjust employee pay only to the extent necessary to bring pay into compliance with the increased state minimum wage, and shall not be used as a general wage enhancement for employees paid above the increased minimum wage. Regional centers shall maintain documentation on the process to determine, and the rationale for granting, any rate adjustment associated with the minimum wage increase.

(c) Notwithstanding any other law or regulation, commencing January 1, 2015, rates for personal assistance and supported living services in effect on December 31, 2014, shall be increased by 5.82 percent, subject to funds specifically appropriated for this increase for costs due to changes in federal regulations implementing the federal Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 201 et seq.). The increase shall be applied as a percentage, and the percentage shall be the same for all applicable providers. As used in this subdivision, both of the following definitions shall apply:

(1) "Personal assistance" is limited only to those services provided by vendors classified by the regional center as personal assistance providers, pursuant to the miscellaneous services provisions contained in Title 17 of the California Code of Regulations.

(2) "Supported living services" are limited only to those services defined as supported living services in Title 17 of the California Code of Regulations.

(d) Notwithstanding subdivision (a), commencing July 1, 2015, regional centers may negotiate a rate adjustment with existing service providers for services for which rates are determined through negotiation between the regional center and the provider, if the adjustment is necessary to implement Article 1.5

(commencing with Section 245) of Chapter 1 of Part 1 of Division 2 of the Labor Code, as added by Chapter 317 of the Statutes of 2014. The rate adjustment may be applied only if a minimum of 24 hours or three days of paid sick leave per year was not a benefit provided to employees as of June 30, 2015, and shall be specific to payroll costs associated with any increase necessary to compensate an employee up to a maximum of 24 hours or three days of paid sick leave in each year of employment.

(e) Notwithstanding any other law or regulation, commencing July 1, 2016, and to the extent funds are appropriated in the annual Budget Act for this purpose, rates for transportation services in effect on June 30, 2016, shall be increased by 5 percent. The increase shall be applied as a percentage to existing rates, and the percentage shall be the same for all applicable providers.

(f) This section shall not apply to those services for which rates are determined by the State Department of Health Care Services, or the State Department of Developmental Services, or are usual and customary.

*SEC. 16. Section 4870 of the Welfare and Institutions Code is amended to read:*

4870. (a) To encourage competitive integrated employment opportunities statewide for individuals with developmental disabilities, the department shall establish guidelines and oversee a program, to the extent funds are appropriated in the annual Budget Act for this purpose, to increase paid internship opportunities for individuals with developmental disabilities that produce outcomes consistent with the individual program plan. The department shall consult with the State Council on Developmental Disabilities, regional centers, employers, supported employment provider organizations, and clients' rights advocates, to establish a program that shall be administered by community service providers and that meets all of the following criteria:

(1) Payments for internships shall not exceed ten thousand four hundred dollars (\$10,400) per year for each individual placed in an internship.

(2) Placements shall be made into competitive, integrated work environments.

(3) Placements shall be made into internships that develop skills that will facilitate paid employment opportunities in the future.

1 (4) Regional centers shall increase awareness of these internships  
2 to consumers outside of current employment programs through  
3 outreach to consumers once the program is implemented, as well  
4 as during the individual program plan process.

5 (b) The department shall require annual reporting by regional  
6 centers and vendors that ensures program accountability and  
7 achievement of program goals. This shall include, but is not limited  
8 to, all of the following:

9 (1) The number of interns placed who might not otherwise have  
10 achieved the placement absent this internship program.

11 (2) Types of employment in which interns are placed.

12 (3) Length of internships.

13 (4) Demographic information of interns.

14 (5) Amount of each intern placement payment.

15 (6) Employment-related supports provided by another agency  
16 or individual to the intern.

17 (7) Number of interns who subsequently entered paid  
18 employment, including salary and benefit information.

19 (8) Any additional information, as determined by the department.

20 (c) The department shall include in its annual May Revision  
21 fiscal estimate a description of the implementation of the program,  
22 including, but not limited to, a description of the stakeholder  
23 consultation, the data described in subdivision (b), aggregated by  
24 regional center and statewide, and any recommendations for  
25 program changes that may be necessary or desirable to maximize  
26 program effectiveness and accountability.

27 (d) Consistent with the individual program plan, the program  
28 shall increase sustained and appropriate competitive integrated  
29 employment placements by ~~providers of supported employment~~  
30 ~~services, as defined in subdivision (p) of Section 4851, regional~~  
31 *center service providers*, as follows:

32 (1) A payment of one thousand dollars (\$1,000) *shall be made*  
33 ~~to the supported employment services regional center service~~  
34 ~~provider for initial placements made on or after July 1, 2016, in~~  
35 ~~competitive integrated employment, that, on or after July 1, 2016,~~  
36 *places an individual into competitive integrated employment, and*  
37 *the individual is still competitively employed after 30 consecutive*  
38 ~~days, as defined described in subdivision (o) of Section 4851 and~~  
39 ~~subdivision (d) of Section 4868.~~

(2) An additional payment of one thousand two hundred fifty dollars (\$1,250) *shall be made to the supported employment services regional center service provider* for an individual described in paragraph (1) who remains in competitive integrated employment for six consecutive months.

(3) An additional payment of one thousand five hundred dollars (\$1,500) *shall be made to the supported employment services regional center service provider* for an individual described in paragraphs (1) and (2) who remains in competitive integrated employment for 12 consecutive months.

(e) Regional centers shall annually report to the department the payments for placements pursuant to subdivision (d). The information shall be reported in a format determined by the department, and shall include the number of individuals placed in internships or other employment as described in this section each year.

(f) *The payments made pursuant to this section shall not be in addition to the placement payments made pursuant to subdivision (d) of Section 4860.*

(g) *Regional center service providers that place individuals into internships under subdivision (a) are not eligible for the employment placement incentives under this section, until the individual is transitioned into a competitive integrated employment placement that is not funded as an internship.*

*SEC. 17. Section 15 of Chapter 3 of the Statutes of 2016, Second Extraordinary Session, is amended to read:*

SEC. 15. (a) The sum of two hundred eighty-seven million dollars (\$287,000,000) is hereby appropriated from the General Fund to the State Department of Developmental Services to provide all of the following, effective July 1, 2016:

(1) Twenty-nine million seven hundred thousand dollars (\$29,700,000) for regional centers for staff, in an allocation to be determined by the department.

(2) One million four hundred thousand dollars (\$1,400,000) for regional centers for administrative costs, in an allocation to be determined by the department. This amount includes an amount to be allocated by the department for regional center clients' rights advocates contracts pursuant to subdivision (b) of Section 4433.

1 (3) Nine million nine hundred thousand dollars (\$9,900,000)  
2 for administrative costs for service providers, in an allocation to  
3 be determined by the department.

4 (4) One hundred sixty-nine million five hundred thousand dollars  
5 (\$169,500,000) for a rate increase for staff providing direct services  
6 employed by a community-based provider organization, in a  
7 manner to be determined by the department.

8 (5) A 5-percent rate increase for supported and independent  
9 living services.

10 (6) Twenty million dollars (\$20,000,000) for competitive  
11 integrated employment incentive payments.

12 (7) A 5-percent rate increase for in-home and out-of-home  
13 respite services.

14 (8) A 5-percent increase for transportation services.

15 (9) A three-dollar-and-forty-two-cent (\$3.42) per hour rate  
16 increase for supported employment providers.

17 (10) Eleven million dollars (\$11,000,000) for bilingual staff at  
18 regional centers and implementing plans and recommendations to  
19 address disparities.

20 *(b) The sum of one hundred eighty-six million two hundred*  
21 *thousand dollars (\$186,200,000) in reimbursements associated*  
22 *with the funds appropriated in subdivision (a) is hereby*  
23 *appropriated to the State Department of Developmental Services*  
24 *for the purposes specified in subdivision (a).*

25 ~~(b)~~  
26 (c) These funds shall be available for encumbrance or  
27 expenditure until June 30, 2017, and available for ~~expenditure~~  
28 liquidation until June 30, 2019.

29 *SEC. 18. With the fiscal and research resources included as*  
30 *part of the Budget Act of 2016, the State Department of*  
31 *Developmental Services shall annually assess disparities data*  
32 *reported by regional centers, caseload ratio requirements by*  
33 *regional centers, and performance dashboard data, collected*  
34 *pursuant to Section 4572 of the Welfare and Institutions Code, as*  
35 *it becomes available.*

36 *SEC. 19. (a) The State Department of Developmental Services*  
37 *shall report quarterly to the Joint Legislative Budget Committee*  
38 *the estimated amount of General Fund expenditures used to backfill*  
39 *federal funding as a result of the decertification of intermediate*  
40 *care facility units at the Sonoma Developmental Center.*

1     **(b)** *If the intermediate care facility units at the Fairview*  
2     *Developmental Center or the Porterville Developmental Center*  
3     *are decertified by the federal government in the 2016–17 fiscal*  
4     *year, the State Department of Developmental Services shall report*  
5     *quarterly to the Joint Legislative Budget Committee the estimated*  
6     *amount of General Fund expenditures used to backfill federal*  
7     *funding as a result of the decertification or decertifications.*

8     **SEC. 20.** *This act is a bill providing for appropriations related*  
9     *to the Budget Bill within the meaning of subdivision (e) of Section*  
10    *12 of Article IV of the California Constitution, has been identified*  
11    *as related to the budget in the Budget Bill, and shall take effect*  
12    *immediately.*

13    ~~**SECTION 1.** It is the intent of the Legislature to enact statutory~~  
14    ~~changes, relating to the Budget Act of 2016.~~